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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,959	09/12/2003	Donald Fedyk	120-142	8403
34845 7590 09/22/2008 Anderson Gorecki & Manaras LLP 33 NAGOG PARK ACTON, MA 01720				
EXAMINER				
NALVEN, ANDREW L				
ART UNIT		PAPER NUMBER		
2134				
NOTIFICATION DATE		DELIVERY MODE		
09/22/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/661,959

Applicant(s)

FEDYK ET AL.

Examiner

ANDREW L. NALVEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 6, 10, 12 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 10, 12 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 2, 6, 10, 12, and 16 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2, 6, 10, 12, and 16 have been considered and are not persuasive.
3. Applicant argues on page 7 that the combination of references fails to teach receiving a packet...from any station of the group of stations. Examiner respectfully disagrees. Chandran teaches receiving a packet...from any station of the group of stations (Chandran, column 2 lines 41-67) by teaching receiving a packet from a cable modem at a CMTS. Each cable modem is a station of the group of stations associated with the ISP.
4. Applicant further argues on page 7 that the combination of references fails to teach adding a group header including a group identifier corresponding to the group of stations. Examiner respectfully disagrees. Chandran teaches adding a group header including a group identifier corresponding to the group of stations (Chandran, column 2 lines 41-67) by teaching that the CMTS tags the packet with a MPLS tag based upon which data flow the packet is associated with.
5. Applicant further argues that the combination of references fails to teach transforming the packet according to the group security association associated with the

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group identifier. Examiner respectfully disagrees. Chandran teaches transforming the packet according to the group security association associated with the group identifier (Chandran, column 2 lines 1-7, MPLS-VPN tag used for security policies on the traffic) by teaching that the MPLS tag is used as a basis for applying security to a packet. Thus, a data transformation is executed on the packet on the basis of the MPLS tag on the packet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 2, 6, 10, 12, and 16 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Hoke et al US Patent No. 6,701,437 in view of Hama US Patent No. 7,072,346.
7. **With regards to claim 1**, Hoke teaches receiving a packet at the ingress point of the backbone from any sending station (Hoke, column 7 lines 46-53, column 16 lines 23-31, VPN unit receives) the packet including an original header with a source IP address of the sending station and a destination IP address of the receiving station of the group of stations (Hoke, column 16 lines 23-31, Figures 7 and 8), receiving a packet at the ingress point of the backbone (Hoke, column 7 lines 46-53, VPN unit receives

packet), a packet including an identifier corresponding to the group of stations and a destination address for the packet (Hoke, column 7 lines 46-53, addressed to the VPN, encapsulation includes destination address), transforming, at the ingress point of the backbone, the packet according to the group security association associated with the identifier (Hoke, column 7 lines 46-53, column 9 lines 18-34 and column 9 lines 60-67), forwarding the transformed packet over the backbone using the group identifier as a backbone address (Hoke, column 7 lines 46-58, strips off), receiving at the egress point in the backbone, the transformed packet (Hoke, Figure 4), restoring, at the egress point in the backbone, the transformed packet according to the group security association associated with the group identifier (Hoke, Figure 4), transforming, at the egress point in the backbone, the restored packet by removing the group header (Hoke, Figure 4), and forwarding to the restored packet to the receiving station (Hoke, Figure 4). Hoke fails to teach the packet including a group identifier and a destination for the packet and the ingress point being a provider edge device. However, Hama teaches receiving a packet including a group identifier and a destination for the packet and forwarding the transformed packet using the group identifier (Hama, column 10 lines 25-53, destination address contained in the packet, when packet enters...VID contained in tag) wherein the ingress point is a provider edge device (Hama, Abstract, edge routers provided between the MPLS network and VLANs for interfacing between two). Chandran receiving a packet from any station of a group of stations (Chandran, column 2 lines 46-61) teaches transforming the packet by adding a group header including a group identifier corresponding to the group of stations (Chandran, column 2 lines 46-61, data

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packet is tagged with MPLS tag at the crmts) and transforming the packet using the group identifier (Chandran, column 2 lines 1-7, MPLS-VPN tag used for security policies on the traffic) whereby the same security association is used for communication between any pair of stations of the group of stations (Chandran, column 2 lines 1-10, each ISP assigned a MPLS tag). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Hama and Chandran's method of using group identifiers because it offers the advantage of allow terminals belong to the same VLAN to communicate with each other regardless of where they are installed (Hama, column 2 lines 4-20) and because it offers the advantage of allowing the application of different security and routing treatment to multiple traffic flows being transmitted over a shared link (Chandran, column 1 lines 55-67).

8. **With regards to claim 2**, Hoke as modified teaches retaining fields of the packet needed to transfer the packet to the destination address over the backbone (Hoke, column 7 lines 47-57, encapsulates).

9. **With regards to claims 6, 10, and 12**, Hoke teaches receiving, at the egress point of the backbone, group security association data for the group (Hoke, column 16 lines 23-31, VPN unit receives), receiving a packet at the egress point of the backbone, restoring the packet responsive to the group security association data associated with the group (Hoke, column 7 lines 47-57, strip off), and forwarding the packet to the destination (Hoke, column 7 lines 55-57). Hoke fails to teach the packet including a group identifier and a destination for the packet and the egress point being a provider edge device. However, Hama teaches receiving a packet including a group identifier

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and a destination for the packet (Hama, column 10 lines 25-53, destination address contained in the packet, when packet enters...VID contained in tag) wherein the egress point is a provider edge device (Hama, Abstract, edge routers provided between the MPLS network and VLANs for interfacing between two). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Hama's method of using group identifiers because it offers the advantage of allow terminals belong to the same VLAN to communicate with each other regardless of where they are installed (Hama, column 2 lines 4-20).

10. **With regards to claim 13**, Hoke as modified teaches the group comprising at least three stations (Hoke, Figure 1).

11. **With regards to claim 16**, Hoke as modified teaches the means for securing data includes transform logic for encrypting only a portion of data transferred between the ingress point and the egress point of the communication link (Hoke, column 9 lines 61-67, encapsulated portion of data is encrypted, but not VPN headers).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is (571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew L Nalven/
Examiner, Art Unit 2134